



**THE CITY OF NEW YORK  
LAW DEPARTMENT**

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September 17, 2007

**VIA ECF**

Honorable Nina Gershon  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Daniel, et. al. v. City of New York et al., 06 CV 6503 (NG) (JMA)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney for Defendants City of New York and Police Officers Broccoli and Frink.

Enclosed, please find the Stipulation and Order of Settlement and Discontinuance.

We thank the Court for its consideration in this regard.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig Hanlon", written over a circular stamp.

Craig Hanlon (CH 1959)  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: Scott Cerbin, Esq.  
Attorney for Plaintiff  
26 Court Street, Suite 810  
Brooklyn, New York 11242

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X  
EUGENE DANIEL, and DESIREE DANIEL,

Plaintiffs,

-against-

THE CITY OF NEW YORK and POLICE OFFICERS  
BROCCOLI, ARTHUR FRINK, KENNETH J. FOLEY,  
KEVIN CUNNINGHAM, AND JOHN DOES # 1- 4,

Defendants.  
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**STIPULATION AND ORDER  
OF SETTLEMENT AND  
DISCONTINUANCE**

06 CV 6503 (NG)(JMA)

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**WHEREAS**, plaintiffs Eugene Daniel and Desiree Daniel commenced this action by filing a complaint on or about December 7, 2006, alleging that certain of their federal and state rights were violated; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiffs' allegations; and

**WHEREAS**, plaintiffs and defendants now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

**WHEREAS**, no party herein is an infant or incompetent for whom a committee has been appointed; and

**WHEREAS**, plaintiffs Eugene Daniel and Desiree Daniel agree to settle this matter as against defendants on the terms enumerated below;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed as against defendants, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff Eugene Daniel the sum of FIFTEEN THOUSAND HUNDRED DOLLARS (\$15,000.00) in full satisfaction of all claims as against defendants, including claims for costs, expenses and attorney's fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against the defendants City of New York and Police Officers Valerie Broccoli, Arthur Frink, Kenneth J. Foley and Kevin Cunningham, and to release all defendants, and any present or former employees or agents of the City of New York from any and all liability, claims, or rights of action which were or could have been alleged in the complaint in this action, including claims for costs, expenses and attorney's fees.

3. The City of New York hereby agrees to pay plaintiff Desiree Daniel the sum of FIFTEEN THOUSAND HUNDRED DOLLARS (\$15,000.00) in full satisfaction of all claims as against defendants, including claims for costs, expenses and attorney's fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against the defendants City of New York and Police Officers Valerie Broccoli, Arthur Frink, Kenneth J. Foley and Kevin Cunningham, and to release all defendants, and any present or former employees or agents of the City of New York from any and all liability, claims, or rights of action which were or could have been alleged in the complaint in this action, including claims for costs, expenses and attorney's fees.

4. Plaintiffs Eugene Daniel and Desiree Daniel shall execute and deliver to the City attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of No Liens or an Affidavit Concerning Liens. (Circle One)

5. Other than as set forth in paragraph "2" above, plaintiffs or any party in privity with them, shall have no recovery for any damages, injury, equitable or other relief, or fees or costs in connection therewith.

6. Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

7. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

8. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
May 23, 2007

Scott G. Cerbin, Esq.  
Attorney for Plaintiff  
26 Court Street, Suite 810  
Brooklyn, NY 11242

By: 

SCOTT G. CERBIN (SC 5508)  
Attorney for Plaintiff

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
Attorney for Defendants  
100 Church Street, Room 3-198  
New York, New York 10007  
(212) 788-1580

By: 

CRAIG HANLON (CH 5679)  
Assistant Corporation Counsel

SO ORDERED:

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U.S.D.J.